

Appl. No. 10/622,557  
Amdt. dated March 8, 2006  
Reply to Final Office Action of February 23, 2006

### REMARKS

Applicants have received the Final Office Action dated February 23, 2006, which: 1) effectively allows claims 1-6, 32, 34-36, 38-42, 56, 57 and 59-61;<sup>1</sup> 2) objects to the Specification and the Drawings as allegedly not containing elements from the claims; 3) rejects claims 44-49 under 35 U.S.C. § 103 as allegedly unpatentable over *Bartera* in view of *Gunawardana*.<sup>2</sup>

Applicants appreciate the effective allowance of claims 1-6, 32, 34-36, 38-42, 56, 57 and 59-61. With this Response, Applicants cancel claims 44-49<sup>3</sup> and make no other amendments to the instant application. Therefore, claims 1-6, 32, 34-36, 38-42, 56, 57 and 59-61 remain pending. Based on the following remarks, Applicants respectfully submit that the pending claims are in a condition for allowance.

#### I. OBJECTIONS TO THE CLAIMS, SPECIFICATION, AND DRAWINGS

The Examiner objected to the pending claims, specification, and drawings because the "spectrum analyzer" recited in several of the claims allegedly fails to appear in the drawings or the specification. *Office Action* at 2-3. Applicants respectfully submit that ¶[0039] of the instant application and Figure 5B both include spectrum analyzer 56, and represent exemplary embodiments of the claimed spectrum analyzer. Accordingly, Applicants respectfully submit that the pending claims are in condition for allowance.

#### II. CONCLUSION

In the course of the foregoing discussions, Applicants may have at times referred to claim elements in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other elements can be ignored or dismissed. The claims must be viewed as a

<sup>1</sup> Subject to the objections discussed below.

<sup>2</sup> Applicants note that the "Office Action Summary" of the instant Office Action also indicates that claims 1-32, 34-42, 44-47 and 59-61 are subject to a Restriction Requirement. Applicants will assume this indication is an error unless notified otherwise.

<sup>3</sup> This cancellation of claims should not be interpreted as a concession as to correctness of the Examiner's previous rejections. Rather, the cancellation of claims is intended to expedite issuance of the instant application and is made without prejudice to later asserting these cancelled claims.

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whole, and each element of the claims must be considered when determining the patentability of the claims.

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Conley Rose, P.C.'s Deposit Account No. 03-2769.

Respectfully submitted,



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